<u>REMARKS</u>

Claims 1-23, 31, and 33-44 are pending but stand rejected under 35 USC §§101 and 103. To place the application in better condition for appeal, Claims 24-30 have been cancelled. A notice of appeal and appeal brief accompany this amendment. The substantive rejections under §§101 and 103 are addressed in the accompanying brief.

CLAIM OBJECTION: The Examiner objected to Claim 25. Claims 24-30 have been cancelled rendering the objection moot.

CLAIM REJECTIONS – 35 USC §101: The Examiner rejected Claims 24-30, 34, and 40-44 as being directed to non-statutory subject matter. Claims 24-30 have been cancelled. Paragraph [0031] has been amended to address some of the Examiner's concerns. In particular, "computer readable media" is no longer defined to include paper with printed program instructions.

The Examiner, however, also stated:

Claims 24-30, 34 40-44 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a computer product comprising: logic configured to receive; logic configured to poll; logic configured to select and logic configured to direct. While not explicitly describing whether these logic are instructions stored on a computer readable medium and executed; therefore the computer product appears to be comprised of software without claiming execution of these logic.

The Applicant respectfully disagree with the Examiner's assessment. Claims 34 and 40-44 each recite a computer readable medium comprising logic configured to implement a number of specified functions. Paragraph [0048] of the specification states: "Any process descriptions or functions in the flow charts presented in FIGs. 4 and 5 should be understood to represent modules, segments, or portions of code or logic, which include one or more executable instructions for implementing specific logical functions in the associated process." In light of this passage, the term "logic," as

used in the Claims, is defined as computer executable instructions for implementing specified logical functions."

Because the recited computer readable medium comprises the recited logic and the logic is defined as computer executable instructions, that computer readable medium stores those computer executable instructions. Thus, Claims 34 and 40-44 are not software per se but recite a medium storing computer executable instructions (logic) that implement specified logical when executed.

For at least these reasons, Claim 34 and Claims 40-44 are directed to statutory subject matter under §101.

CLAIM REJECTIONS – 35 USC §103: The Examiner rejected Claims 1-31 and 33-44 as being as unpatentable over USPN 7,181,382 issued to Shier in view of in view of USPN 6,477,520 issued to Malaviya. The rejection is addressed in the accompanying brief.

CONCLUSION: The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,

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